

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:08-CV-622-BR**

EARNEST PARISH, III,)	
)	
Plaintiff,)	
)	
v.)	ORDER ON DEFENDANT'S
)	SUPPLEMENTAL REQUEST
SIEMENS MEDICAL SOLUTIONS USA,)	FOR COSTS
INC.,)	
Defendant.)	

This matter comes before the undersigned on Siemens Medical Solutions, USA, Inc.'s ("defendant") Supplemental Request to Clerk to Tax Costs [D.E. 48]. Defendant asks the clerk to tax additional costs in the amount of One Thousand Two Hundred Twenty-Four Dollars and 06/100 (\$1,224.06) against plaintiff Earnest Parish, III ("plaintiff"). Plaintiff did not file an objection to defendant's request. The matter is ripe for determination.

On March 15, 2011, an order allowing in part and denying in part defendant's motion for bill of costs was entered [D.E. 47]. In the order, defendant received leave to apply for the costs of the original transcript of the depositions of plaintiff and Dione Washington ("Washington"). Defendant now seeks Nine Hundred Dollars and no/100 (\$900.00) in deposition transcript costs associated with the deposition of plaintiff and Three Hundred Twenty-Four Dollars and 06/100 (\$324.06) in court reporter fees and deposition transcript costs associated with the deposition of Washington. In support of its request, defendant submitted invoices from Continental Reporting Services, Inc. and Setdepo, LLC.

Section 28 U.S.C. §1920(2) allows for the fees of the court reporter for all or any part of the

stenographic transcript necessarily obtained for use in the case. The depositions of plaintiff and Washington were necessarily obtained for use in the case. See Aff. of Richard S. McAtee [D.E. 36]. Moreover, defendant is the prevailing party. Accordingly, defendant's Supplemental Request to Tax Costs is ALLOWED and taxable against plaintiff Earnest Parish, III in the amount of One Thousand Two Hundred Twenty-Four Dollars and 06/100 (\$1,224.06).

SO ORDERED. This 10th day of June 2011.



Dennis P. Iavarone
Clerk of Court